

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRANDON QUINN,

CASE NO. 1:20 CV 1863

Petitioner,

v.

JUDGE JAMES R. KNEPP II

WARDEN ED SHELDON,

**MEMORANDUM OPINION AND
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge Jennifer Dowdell Armstrong's Report and Recommendation ("R&R") to dismiss and/or deny Petitioner Brandon Quinn's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 9). Specifically, Judge Armstrong recommends the Court find Ground One through Three each procedurally defaulted and/or non-cognizable, or alternatively meritless; and find Ground Four procedurally defaulted. *See id.* at 13-37. She further recommends the Court decline to issue a certificate of appealability. *Id.* at 37-39.

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on May 24, 2023, and it is now June 15, 2023. Petitioner, who is represented by counsel, has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Armstrong's thoughtful and comprehensive R&R and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Armstrong's R&R (Doc. 9) as the Order of this Court, and DENIES and DISMISSES Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE